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ABSTRACT

Speeches from the 1978 annual meeting of the American Association of Presidents of Independent Colleges and Universities are presented. Contents of the report are as follows: "Earning Respect" by Drew S. Days, III.; "The College in Controversy: Government Relations 1978"; "Until the Year 2000: Reflections of a Retired College President" by John E. King; "How a Businessman Looks at Higher Education" by Richard L. Abbott; and "The Health Hazards of the Presidency and What To Do About Them" by James M. Crawford. In the first address, Drew Days, Assistant Attorney General for Civil Rights, discusses a recent controversy regarding Brigham Young University and explains enforcement of civil rights laws by the Civil Rights Division. A panel discussion with member presidents involved in government controversies involved: Alfred Acton, president of the Academy of the New Church; Charles S. MacKenzie, president of Grove City College; Lewis Nobles, president of Mississippi College; George C. Roche, III, president of Hillsdale College; and Dallin H. Oaks, president of Brigham Young University. Retired college president John E. King discusses cultural change, perceptions of trustees, and questions college presidents need to consider. Businessman Richard L. Abbott offers criticism of academic freedom at colleges and addresses the issue of financial support to higher education. Some suggestions for improving the health of college presidents is offered by James M. Crawford. (SW)

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Private Higher Education: The Job Ahead

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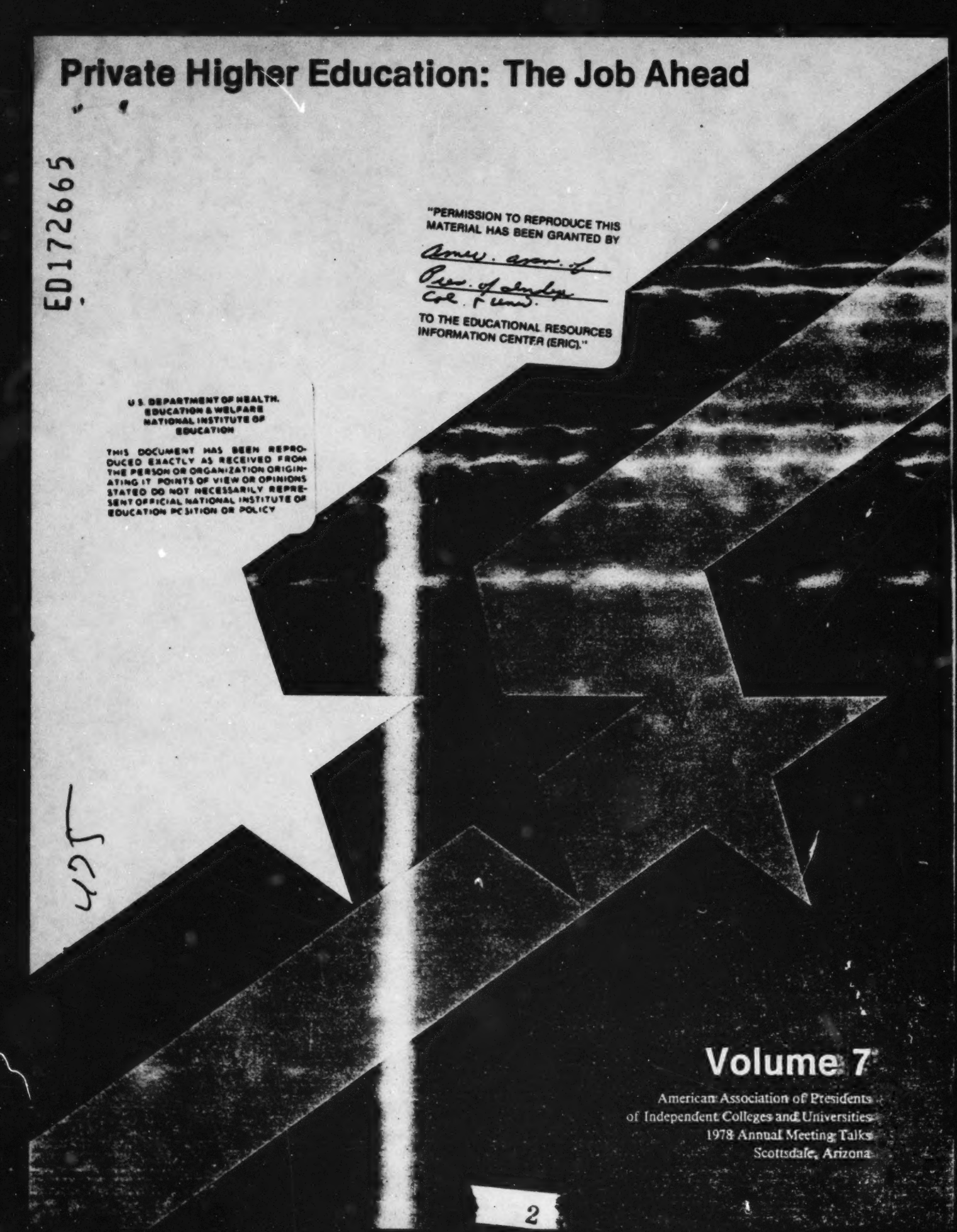

Volume 7

American Association of Presidents
of Independent Colleges and Universities
1978 Annual Meeting Talks
Scottsdale, Arizona

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Preface

The American Association of Presidents of Independent Colleges and Universities was founded to provide an opportunity for the presidents to exchange views and compare experiences, to examine common problems and seek answers to them, and to take formal action on matters of special concern to independent college presidents.

The following excerpt from the AAPICU By-Laws, Article II, Section 1-A, explains our membership policy:

> In general any person acting or serving as the chief administrative officer of a regionally accredited independent college or university is eligible to become a Regular member of the Association.

At the annual meeting held in Scottsdale, Arizona, in December 1978, it was voted to publish the formal speeches for the benefit of both members who could not attend and others interested in higher education.

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Earning Respect

by The Honorable Drew S. Days III
Assistant Attorney General for Civil Rights
U.S. Department of Justice

Drew S. Days III, Assistant Attorney General for Civil Rights, U.S. Department of Justice, has a B.A. from Hamilton College (N.Y.) and LL.B. degree from Yale Law School. A member of the Illinois Bar and New York Bar, Mr. Days was Professor of Law at the University of Ghana (Legon) and on the faculty of Temple University. Prior to his swearing in as an Assistant Attorney General in March 1977, he was First Assistant Counsel to the NAACP Legal Defense and Educational Fund, Inc., in New York.

To those of you who know something about the events leading up to my being invited to speak at your annual meeting, it may sound strange when I say that I am truly pleased to be here tonight. You see, Dallin Oaks and I became acquainted when I wrote him, a few months back, threatening to sue Brigham Young University and several dozen apartment house owners in Provo, Utah, for allegedly violating federal laws against sex discrimination in housing. Without going into too much detail about the merits of this controversy, let me say that I received more adverse publicity and incensed public citizen mail for taking that step than perhaps I have had on any other case since I became Assistant Attorney General in March, 1977. On the same day, both the *New York Times* and the *Los Angeles Times* carried editorials unfavorable to the government's position, as those papers understood it. Pat Buchanan, James Kilpatrick, George Will, and several others took time from their otherwise busy schedules to single us out for attack on this issue as exemplifying the extent to which federal bureaucrats were determined to intrude themselves where they had no business. And, Senators Garn and Hatch of Utah began drafting legislation to insure that whatever federal law we were relying upon was changed to preclude further action on our part.

Why then, you have reason to ask, would I accept an invitation from an organization headed by a man who caused me to become such a public punching bag? More to the point, why should I, a person on most occasions fully possessed of his faculties, agree to appear at this gathering to (and I quote President Oaks' letter of invitation) "speak for what we affectionately call 'the other side?' " Before I answer these questions, however, let me tell you more about my encounter with Brigham Young University and its president.

I thought then, and think today, that the action I took was required under the circumstances. I thought then, and think now, that most criticism we received was based upon a misunderstanding of our actual position. President Oaks, however, believed then and, I have little doubt, believes today that the legal theory underlying our allegations was questionable and would not necessarily prevail were we to ask for a court ruling.

So, here we had a conflict between two principled positions, one held by the federal government, the other by an institution of higher learning. Not infrequently in the past, such disputes have escalated into heated controversies, ultimately resolved only after years of intense, expensive litigation. I am happy to report that Brigham Young University and the federal government were able to resolve this dispute without the need to resort to the courts. I would like to think we were able to reach agreement in this regard, despite fundamental disagreements over what the law required, because we developed in the course of our negotiations a mutual professional and personal respect. Brigham Young University officials, I would hope, concluded that there was some merit to our legal position and that the action we took was not borne of a mindless or bad faith decision-making process that went on in the bowels of the Justice Department in Washington. I can speak for our side in attesting to the fact that, Dallin Oaks and Hal Visick, being the excellent lawyers they are, we early on recognized the force behind Brigham Young University's legal position. Moreover, we found no reason to question the sincerity or integrity of those arguing the University's side.

But let me assure you that I have not recited these facts merely to be able to

say "and they all lived happily after." There is a moral to my story. It should come as no surprise, in light of the revelations of the "Watergate" period, that we in high federal posts, particularly those in law enforcement, are sorely tempted almost daily to become bullies. We are generally highly committed people, with strong convictions and a clear sense of what impact we would like our efforts to have upon American life. We are empowered with the ability to bring the enormous resources of the national government to bear upon individuals and organizations, to set in motion events that may result in unpleasant civil or criminal consequences for those we act against. There is an all too human inclination, as you might expect, for one possessed with such authority to bend the rules now and again, persuaded that whatever problems may be created by a failure to play fair will be more than offset by the laudable results our efforts achieve. To paraphrase Attorney General Bell, **the greatest challenge we in the Department of Justice face is that of learning to use power effectively without abusing that power and our sacred trust.**

I know I have been aided in this battle to prevent myself from becoming a bully not only by my conviction that such abuse is morally wrong, unethical, and, indeed, illegal, but also by the firm belief that abuse of power is ultimately counterproductive. Whatever short-run changes are achieved by sharp practices are eradicated in the long run by the contempt for the rule of law they engender in the public mind.

One does not have to be a "crook," a characterization that gained some currency during "Watergate," to be a federal bully, however. Even where one may be technically correct—have a good legal position, have an acceptable factual predicate—in initiating action, to the extent that one is inflexible, unwilling to negotiate, convinced that all wisdom resides in Washington, and wedded to the proposition that all opposition to what we advocate is in bad faith, one is, by my definition, a bully. Such conduct also breeds contempt, albeit to a lesser degree than where unethical practices are engaged in by federal officials, for the rule of law and undermines public confidence in the national government. If we are to meet successfully the challenge Judge Bell has identified of using power effectively without abusing it, it seems to me we have no alternative but to act in ways that earn the respect, if not the agreement, of the public-at-large, including those we oppose.

That is the lesson, I would like to think, of the Brigham Young University experience. I am here—with pleasure—consequently, because I want to win your respect. I am not so naive as to think that I will be able to convert many of you to my way of thinking or to enlist many of you to become supporters of certain types of federal intervention and regulation for which I am responsible. In fact, the line forms to the right of the rostrum after my speech for those wishing to join my other illustrious critics with respect to the merits of the Brigham Young University dispute. But I do hope that you will leave this conference with greater confidence in my and my staff's integrity, professionalism, sensitivity to opposing points of view, and commitment to fair play.

First, let me tell you about the Civil Rights Division. What I am about to say is not meant to be patronizing in the least, since I find many otherwise well informed people are understandably confused when confronted with the "alphabet soup" of federal agencies involved in civil rights enforcement. There is the Office for Civil Rights at HEW, the Equal Employment Opportunities Commission, the Office of Federal Contract Compliance in the Department of Labor, the Civil Rights Commission—all with major civil rights enforcement or monitoring functions—and a number of civil rights offices in other agencies charged with more limited responsibilities. It has taken the President's Reorganization Task Force many months to arrive at a clear picture of the distinct and overlapping functions of these agencies, so you should not feel personally inadequate if organizational charts did not flash into your minds a minute ago each time I mentioned one of those agencies.

The Civil Rights Division in the Department of Justice is one of the six litigating divisions—along with the Civil Division, which handles most of the defensive trial work for the federal government; the Lands and Natural Resources Division, which deals with condemnation, environmental, and Indian land claims, among other matters; and the Antitrust, Criminal, and Tax Division, whose responsibilities should be self-evident.

Originally, we were a part of the Criminal Division when, in the late 30's, Attorney General Murphy decided that criminal civil rights statutes that had been on the federal books since right after the Civil War deserved to be enforced by the Department of Justice. At that time, as you will recall, blacks in the South were being subjected to systematic violations of their civil rights by local law enforcement officials. The Civil Rights Division, as we know it, was not established until late 1957, following passage of the first federal civil rights legislation since reconstruction. For the first six years, our litigation efforts were directed primarily against voting discrimination and violations of criminal civil rights laws. In 1964, the Division's authority was greatly expanded by the first comprehensive Civil Rights Act designed to eliminate racial, ethnic, and in certain instances, sex discrimination, by public schools, private employers, places of public accommodation, public facilities, and recipients of federal financial assistance.

Expansion of the Attorney General's authority to enforce civil rights laws in new areas has continued steadily since 1964, with passage of the Voting Rights Act in 1965, and its amendments in 1970 and 1975; the Civil Rights Act of 1968 (covering fair housing, Indian civil rights, and

criminal interference with federally-protected activities); the Education Amendments and Equal Employment Opportunity Act Amendments of 1972; and the Overseas Citizens Voting Act of 1976.

The Civil Rights Division is the federal government's chief agency for enforcing civil rights laws in the courts. We currently have an authorized strength of 182 attorneys, 89 professionals, and 128 other support personnel, most of whom are assigned to nine litigating sections, all located in Washington. Our annual appropriation has increased from $148,000 in fiscal year 1958 to over $12 million in fiscal year 1979.

During the 1960's, the Division's litigation efforts were primarily directed at combating blatant forms of racial discrimination against, and intimidation of, blacks. Early employment cases involved such issues as segregated lines of progression or absolute refusal to hire blacks. Public accommodations cases sought to eliminate segregated motels, restaurants and restrooms. School desegregation cases addressed the problems faced by students and faculty in officially separate black and white schools. The criminal cases we filed often involved violent, retaliatory actions against civil rights workers or others who dared exercise federal rights.

The issues were clear cut, the wrongs were dramatic, and the relief needed was not difficult to formulate. It was an era devoted to the development of civil rights precepts.

Today, however, overt forms of discrimination have been largely replaced by subtle and sophisticated techniques of discrimination which are often difficult to detect and prove in a court of law. Our employment cases, for instance, now frequently involve complex issues, such as employee testing practices and affirmative action requirements. Our fair housing cases challenge such discriminatory practices as "redlining" by mortgage lenders (*i.e.*, refusal to make loans in predominantly black or low-income neighborhoods), racial steering and block busting by realtors, and sex-biased credit policies by lenders, such as requiring a wife whose income is applied to a loan to sign a pledge not to become pregnant for several years. Racial or sexual animus is rarely apparent in these newer types of civil rights cases; intentional discrimination must often be inferred from such evidence as a discriminatory effect of the action, lack of legitimate purpose, and departure from the ordinary pattern of activities.

Nor is discrimination today confined to a single minority group, blacks. Instead, it pervades many segments of our population—affecting women, hispanics, Native Americans, Asian-Americans, institutionalized persons and the handicapped. Our activities have attempted to respond to this reality.

In recent years the Division has launched programs to eliminate sex discrimination in employment, education and housing. Since 1972, we have filed over 100 cases in these areas and participated as a friend of the court in numerous private actions.

In 1976, the Division gained new authority under amendments to the Equal Credit Opportunity Act, to file suits to combat discriminatory practices that have been springing up along with the rapid growth of the credit industry. This statute authorizes the Division to file suits against creditors engaged in a pattern or practice of discrimination against women, racial, or other minorities. In order to emphasize my commitment to vigorous enforcement in this area, I recently renamed our Housing Section the Housing and Credit Section, allocating one half of that section's resources solely to ECOA activities.

The Division has also devoted substantial resources in the past five years to protect the civil rights of American Indians. Since the establishment of a special Office of Indian Rights in 1973, the Division has participated in over 50 legal actions involving Indian rights. These include suits brought against public hospitals for denial of emergency room services, employers for discriminatory hiring practices, and a city for refusing to provide police and fire services to a reservation within the city's boundaries. Another important area of litigation is the protection of voting rights where, for example, redistricting plans have been developed that dilute Indian voting strength, or election officials have failed to provide necessary bilingual materials to Indians who are non-English speaking.

During the past five years, the Division has also expanded its efforts to combat various discriminatory practices directed at hispanic citizens on account of their ethnic origin or lack of facility in the English language. Areas of particular emphasis have been employment, education, and voting. We have filed or participated in over 60 lawsuits since 1972 seeking relief from discrimination against persons of hispanic origin. Fourteen of those are voting suits brought since the 1975 Voting Rights Act amendments added protections for language minorities. In addition, the Attorney General has interposed a number of objections to proposed voting changes, submitted for preclearance by jurisdictions covered under the Voting Rights Act, on the grounds of discriminatory purpose or effect on hispanic citizens.

Perhaps the newest and most neglected class of victims of unconstitutional practices for whom the Division is seeking meaningful remedies are persons involuntarily confined to penal facilities or to civil institutions for the mentally ill or retarded. We have also begun litigating issues arising under recent legislation to end discrimination against the handicapped.

Our enforcement program now is national in scope. In some areas, such as discrimination in places of public accommodation, virtually all of our suits continue to arise in the southern

states. That is not the case, however, in the areas of employment, housing, credit, voting, and school desegregation, where our litigation is dispersed throughout the northern and western states as well as in the south.

Criminal civil rights cases have also been filed in all parts of the continental United States, as well as in Guam and Puerto Rico. The violations have ranged from police misconduct, to holding migrant workers in involuntary servitude, to interference with school desegregation orders.

And, since passage of the 1972 Equal Employment Opportunity amendments, effective in 1974, the Division has also launched a nationwide program to end employment discrimination by public employers.

I am proud of the work that the Civil Rights Division has done in the past and continues to do under my leadership. But we often have to remind ourselves–if we don't others will–that we are not free agents. We are part of the Department and of the federal government. Irrespective of how laudable our efforts may be, we cannot expect to gain much respect if other parts of the Department or the government are (1) acting in ways that appear antagonistic to enjoyment of civil rights we are seeking to vindicate in suits against private and non-federal governmental entities, or (2) speaking with several voices on matters of civil rights enforcement, or (3) articulating inadequately the objectives of civil rights provisions and the justifications for enforcement techniques in light of those objectives.

We have worked hard in this Administration, therefore, first to reduce actual or apparent conflicts in the way civil rights issues are handles. Let me give you a couple of examples.

In 1964, when Congress enacted Title VII of the Civil Rights Act of that year, it identified systematic discrimination against blacks, other minorities, and women in the labor market. It determined that the legal force of the nation should be marshaled to insure that no qualified person was denied a job because of bias or prejudice based upon race, national origin, or sex. Extension of Title VII in March, 1972, to reach employment discrimination in the public sector–local, state, and federal–was necessary in the eyes of congress because any substantial improvement in job opportunities for minorities and women would have to occur by reaching what in most communities was *the* major employer: government.

The federal government, in particular, is one of the largest employers in the nation. There was a time when the federal government was looked to as a leader in implementing equal opportunity guarantees. The irony is that while the federal government was placing tremendous pressure on the non-federal sector to comply with federal civil rights requirements, efforts and resources directed toward resolving similar problems "at home" may have been inadequate.

Between 1972, when Title VII became applicable to the federal government, and 1976, the government was rightfully accused of "working both sides of the street" with respect to Title VII legal standards. While pursuing a vigorous enforcement policy as plaintiff, as defendant we set up a series of inconsistent defenses in Title VII suits filed by federal employees against executive agencies. Often these defenses were based on a technical construction of the statute rather than its spirit and were struck down by the courts.

In August, 1977, the Attorney General issued a memorandum changing this duplicitous strategy. The memorandum went out to all U.S. attorneys and agency general counsels, putting them on notice that in the future the Department of Justice would take the same position in interpreting Title VII in defense of federal employee cases as it had taken or would take in private or state and local employee cases. Judge Bell stated. . . . *As a matter of policy, the federal government should be willing to assume for its own agencies no lesser obligations with respect to equal employment opportunities than those it seeks to impose upon others.*

In order to insure that the Justice Department speaks with one voice in Title VII and other employment litigation, my colleague, Barbara Babcock, Assistant Attorney General for the Civil Division, and I have arranged for our staffs to consult weekly and for us to meet once each month to coordinate both procedural and substantive responses.

As I indicated earlier, we conduct litigation challenging unconstitutional practices against the inmates in penal institutions. The defendants in our suits are state and local governments. But the federal government is also a jailer. The Federal Bureau of Prisons, an agency of the Justice Department, is responsible for maintaining in confinement persons convicted of federal offenses and sentenced to prison. Skillful lawyers for federal prisoners have not often passed up opportunities to assert in their lawsuits that the practices of the Bureau of Prisons they challenged were identical to those being attacked by the Civil Rights Division where non-federal institutions were concerned. To insure that such embarrassing parallels will be hard to draw in the future, the Attorney General established a task force involving people from my division, the Bureau of Prisons, and other concerned elements of the Department to develop corrections standards to guide the fedfederal government's role as jailer and the types of relief we in the Civil Rights Division seek in our suits. A draft set of standards was released for comment several months ago and we are now in the final stages before submitting them to Judge Bell for his approval.

Playing by one set of rules *should* entitle us to greater respect. But speaking with several voices on the same subject wins us no admirers, even when the basic message is the same. We have addressed this second problem as well.

When the Carter Administration took office, persons interested in the federal government's view on laws against discrimination in employment had to consult two different sets of guidelines. The Equal Employment Opportunities Commission had one set; the Department of Labor, the Civil Service Commission, and the Department of Justice adhered to a second. I doubt that I need to spell out to this group the problems an employer having business with all four agencies confronted under this arrangement. I am pleased to report that all four agencies adopted one single set of guidelines last August. Not only do the four agencies now speak with one voice, the entire federal government, as employer, is subject to the same standards as apply to other covered institutions. I should add for further effect that the new guidelines have a thorough preamble written in "plain English" and the operative provisions, among other things, achieve a reduction in the reporting requirements, particularly for small employers, and establish a "rule of thumb" designed to insure that we, as a general matter, will prosecute only significant departures from accepted non-discriminatory norms.

And though our efforts to arrive at one set of guidelines were initiated before the President's Reorganization Program was fully underway, the federal government's entire enforcement program in the employment discrimination area has now been streamlined and rendered more coherent through reorganization.

Our third problem, however, continues to plague us. I don't think it helps us very much when we in government lose the ability to articulate what we are doing and why we are doing it. Here is what I mean. Title VI of the Civil Rights Act of 1964 prohibits, as you may know, racial and ethnic discrimination in federally-assisted programs. Historically, the major problem in this area has been the lack of coordination of federal compliance efforts. Throughout the agencies, responsibilities for insuring that federal funds were not going to programs which discriminated were low priority functions relegated to undermanned and poorly funded staff. A survey that the Civil Rights Division conducted in 1977 of agencies with Title VI responsibilities indicated that although these agencies dispense close to $100 billion in federal assistance, and spend $40 million to enforce Title VI, only 92 fund termination proceedings have been conducted in the past five years; 58 of those proceedings were brought by HEW against local school districts.

Nor have agencies under previous administrations made effective use of their authority to refer matters to the Department of Justice for litigation when voluntary compliance efforts have failed. And for those referrals we did receive, it was frequently necessary to re-investigate because field compliance investigators were inadequately trained in fact-finding and the law. As Congresswoman Barbara Jordan has declared, "The history of enforcement in this area has been a history of 'affirmative neglect.' " All of this government inaction, it must be remembered, was occurring at at time when the federal courts were finding Title VI violations in suits brought by private parties. I must assume that some of these agencies dutifully required their fund recipients to submit reams of paper each year reporting the way in which the money was used. And each year, as these reports piles up on the floor unexamined, agency employees' understanding of why these data were required in the first place grew dimmer and dimmer.

We are committed to giving vitality to Title VI principles. During the summer of 1977, President Carter issued a memorandum to all executive departments and agencies identifying Title VI enforcement as a priority of his Administration, and directing consultation with the Attorney General in arriving at means to insure non-discrimination in federal programs. Last December, acting on the Attorney General's behalf, he gave agencies covered by Title VI 45 days to submit enforcement plans to the Justice Department. Fourteen years after the provision became law, most agencies had no procedures for conducting systematic analysis of data compliance reviews. We have received these plans now and are evaluating their sufficiency. Oddly enough, I believe that these steps will reduce paperwork now associated with Title VI programs. For agencies will for the first time be able to focus on what constitutes a violation and what information is truly needed to make an assessment of compliance. They then will be able to explain to fund recipients with some coherence what the process is all about.

And even before *Bakke* was decided, we had commenced evaluations of many "affirmative action" requirements, such as those under the Executive Order covering federal contractors, to insure that program objectives were clearly articulated and methods of implementation were tailored to meet those objectives.

What I hope you have begun to realize by now is that we in the Justice Department, in the Civil Rights Division, see you, the American people, as our ultimate client, and that a lawyer who cannot earn the respect of even his client is no lawyer at all.

Thank you.

The College in Controversy: Government Relations 1978

Panel Discussion with Member Presidents
involved in Government Controversies

chaired by

Dr. Dallin H. Oaks, AAPICU President
President, Brigham Young University

Dr. Dallin H. Oaks, AAPICU President and President of Brigham Young University since 1972, received his degrees from BYU and the University of Chicago Law School. He practiced law for three years specializing in corporate litigation and was Professor of Law at the University of Chicago. Dr. Oaks has represented our Association on various legislative issues in Washington.

This session will consist of reports from five of our colleagues who have had active controversies with the United States Government during the past year.

ACADEMY OF THE NEW CHURCH

by Rev. Alfred Acton, *President*

I shall begin by telling you a few things about the Academy of the New Church so you can have some idea of our perspective in dealing with the federal government.

The Academy of the New Church was founded in 1876. We currently operate a 9th through 12th grade boys school and girls school, a co-educational four-year college and a theological seminary. The total number of students in all four of those schools is about 400. Since 1876 the Academy has been developing a rather healthy endowment. We now have close to $30 million which gives us a student-endowment ratio of about $67,000 per student. This fact makes it rather easy for the Academy to do things which many other institutions can't. We accept no financial aid from the Department of Health, Education and Welfare. We have in the past accepted veterans and at present there are four veterans at the Academy, one in the theological seminary, and three in the college. Our tuition and room and board costs are kept at about one-fifth the total cost per student. Right now it would cost you approximately $2000 for room, board, tuition and fees to attend the Academy. However, if you couldn't pay that, we have a generous grant-in-aid program. I don't believe any student has ever been turned away from the Academy for financial reasons. Because of our own grant program our students have no need for a BEOG, SEOL, GSL, or any other kind of grant-in-aid program. So when the federal government through the Department of Health, Education and Welfare asked that we sign a form saying that we received federal aid as well as everything else on Title IX, we decided that it would be wrong for us to admit a fact that was not a fact: that we received federal aid, and so did not sign the Title IX assurance form.

Eventually we received notification that our federal assistance was being cut off and that we would have to go to court in Atlanta. We filed for a change of venue to Philadelphia, but in fact never went to court. Once the attorney for the Department of Health, Education and Welfare realized the kind of case he was trying, he signed a piece of paper with us that said that the Academy now did not receive any Department of Health, Education and Welfare money and that if it ever did, it would give assurance that it was in compliance with appropriate federal regulations.

An interesting aside to this controversy was that after we signed the paper with HEW we received two different letters, one from the Director of the Office of Civil Rights in Washington and another from the Department of Education in Pennsylvania, both stating that they were happy to know we had signed our compliance agreement and we would now be lifted from the deferral on federal funds.

GROVE CITY COLLEGE

by Dr. Charles S. MacKenzie, *President*

Grove City College, about 60 miles north of Pittsburgh, is 102 years old. It is a highly successful school with a high quality program, low tuition, no indebtedness, a very beautiful campus, and a full enrollment of 2200 marvelous students. From its founding date, it has maintained and publicized its non-discriminatory policy purely as a matter of Christian conviction. It has not accepted any government funding and it is a very patriotic institution. We wave the flag for traditional American values at Grove City College.

In recent years, Grove City College has become more and more concerned about government as it moves into the academic community. We have been particularly concerned to see government intruding even into academic areas in the private colleges. For example, the Commonwealth of Pennsylvania, largely under pressures from the Department of Education in Washington, has informed the post secondary institutions, public and private, that any new degree program must have the approval of the State Department of Education.

When Title IX first came on the scene a few years ago we could discern the shadows of other regulations waiting in the wings. We began to realize that the government was becoming bolder and bolder in its efforts to regulate higher education. So we consulted with our legislators. When we apprised one of what was developing back in 1975 and 1976, he threw up his hands and said, "HEW is so huge, how can I be expected to know what they are doing?" I thought that was a pretty good indication that the bureaucracy was out of control. A fourth arm of government has emerged which is accountable to no one. We came to realize that the time was coming when someone must challenge the bureaucracy's claim of jurisdiction over the academic and institutional life of the private colleges.

When the Title IX compliance forms were issued, we gave them serious study and consideration. We had no quarrel with the intent of Title IX since the College is publicly on record as being non-discriminatory. We were, however, unwilling to accept the government's claim of jurisdiction over a college which receives no government funding. When we refused to sign, we went through the same type of harassment as Mr. Acton. We had phone calls from the Office of Civil Rights in Washington, D.C. In those conversations officials made statements which they refused to put into writing. Statements were made such as "one way or another you must accept our jurisdiction." Finally, we were summoned to an administrative hearing. My attorney and I walked into that hearing room on March 10, 1978 and found it filled with government officials. For six hours we sat in the administrative hearing. We heard HEW lawyers state its position and call witnesses for five hours. That left us one hour to state our position. After one hour, HEW's administrative law judge announced that he had to catch a plane to Atlanta. The hearing was ended. Fortunately we had managed to state a summary of our position in the hour.

That was on March 10. On September 18 we finally received the judge's ruling. It was a most interesting ruling. I would like to read a few sentences from it: *It should be noted that there was not the slightest hint of any failure to comply with Title IX save the refusal to submit an executed assurance of compliance with Title IX. This refusal is obviously a matter of conscience and belief.* The issue was clearly not discrimination; the contention obviously was jurisdictional. The ruling went on to say: *There is very clearly given to the Director total and unbridled discrimination to require any certificate of compliance that he may desire whether the same be reasonable or to reasonable men unreasonable.* The ruling also stated: *The Director is given unlimited discretion so that the administrative law judge has no authority to rule and is powerless to rule either that the regulations are unconstitutional or that the regulations exceed the statutory authority.* From our reading of it, it seemed to us that the administrative law judge, convinced of HEW's unlimited power, had thrown up his hands and simply refused to deal with any of the substantive legal issues or any of the constitutional questions. He then proceeded in his ruling to order a cut off of federal grants and loan guarantees to Grove City College students.

To the best of our knowledge, we think there are about 600 of our 2200 students who are receiving either BEOG's or loan guarantees. When the news of the ruling hit our campus, those 600 students were deeply concerned. Yet we took the position at the college that if HEW should succeed in cutting off these grants and loan guarantees to the students, we would make every effort to help to see that the needs of the students were met. We were committed and our Board of Trustees was committed to do everything possible to insure that no student would be harmed because of a cut off of federal funding. For several weeks we discussed this in depth with trustees, our various constituencies and obviously with our attorneys. We filed this on November 8 in concert with four of our students, two women and two men, who received either BEOG or GSL assistance.

Essentially that is where we are with our complaint. The attorneys are of the opinion that it may be months before we actually will get on the court's docket. If we should lose at the district level, we are committed to appealing it and carrying it as high as we can.

We believe we may be in for lengthy and costly litigation. The crux of the issue, of course, will be whether or not aid to students is aid to the institution and therefore subjects the institution to government regulation and control. We are claiming that it does not. The outcome of this case has nationwide implications for all the private schools in the nation. I will try to keep you informed as to its progress.

When I was a young man, my favorite

sport was boxing. I came up through "Golden Gloves." I always used to enjoy the feeling of exhilaration when I climbed into the ring. I tell you my adrenaline is flowing as we enter this contest. We hope and pray that God will grant us a victory.

Any questions?

Question: Does Grove City College have a large endowment to fall back on?

Answer: *Our trustees through the years have resisted the temptation to build up large endowments. They are well aware if they were to build a large endowment some irresponsible administrator years down the road might misuse it and might be tempted to relax the College's concern for efficiency in its operation. So our endowment is very limited. We have no indebtedness, however. Our debt-free status is more valuable to us than a large endowment.*

Well, thank you, and if any of you wish information, our attorneys are Nixon, Hargrove, Devans & Doyle, in Rochester, New York. I am sure they would be glad to provide it. If you have any input to offer from your attorneys, we would appreciate it.

MISSISSIPPI COLLEGE

by Dr. Lewis Nobles, *President*

As you can see, I have brought far more material here than we are going to be able to cover in a brief period of time, and this is only a very short summary, really, of what has transpired over a period of about two-and-one-half years. This is very brief—"just a nutshell version."

In the spring of 1976 a complaint was filed against us by a charging party originally alleging sex discrimination. In November of 1976 in an attempt to get it established as a class action suit, they modified the original complaint to charge other areas of discrimination as well. The complainant is a young white lady who has a terminal degree (Ed.D.) from the University of Virginia and was employed on our faculty in terms of a part-time employee while her husband was employed on a full-time basis. The following year she was offered a continuation of that part-time position and during that same period of time the chairman of the Department of Psychology in which she was teaching had resigned and we were seeking a replacement. She applied for this position with one year of half-time teaching experience on our campus. Now the young lady in question was not Baptist and had been previously employed on a part-time basis, and she filed her complaint not on religious grounds but on sex discrimination grounds, hoping to be able to avoid our defense of religious exemption under the qualifications of the clause. If you don't have this citation, we based part of our argument in the Federal District Court on the Catholic Bishop of Chicago case. If you are familiar with it, you know that case is on appeal now in the United States Supreme Court. It almost parallels our case with EEOC which is contending that NLRB has no jurisdiction in negotiating with its faculty. The Seventh Circuit Court held in favor of the Chicago Archdiocese. Consequently we used that reference as one of our summaries. Many of you are familiar with the case of *Seattle University v. HEW*. That is simply a Federal District Court case brought, I think, in line with the comment about the discrimination based on the funds from the Grove City case. There is a whole section of the judge's opinion devoted to the so-called infection theory, and the judge simply says in courtyard terminology, "it won't hold water." And so he ruled in favor of Seattle University in that particular instance.

Our case was in the Southern District Court, State of Mississippi. The initial complaint was filed with the local office of EEOC in the spring of 1976. Sometime later, either that year or the first part of the next year, we were handed a subpoena to turn over our records, and here I want to, if I can find the list, tell you things that EEOC wanted us to supply on the basis of a simple factual statement that was given with regard to this particular instance. Among other things this is what they were asking for: A list of all staff, faculty and administration showing for each person the name, race, religion, job classification, department, pay, date of hire, date of entry into present position, highest degree obtained; item number two: a list of all sources from which faculty members had been recruited for the 1975-76 and 76-77 sessions, and itemization of any studies conducted by the respondent of its patterns of faculty pay for the 75-76 academic year; a list of all faculty and administrative promotions for the past two years, giving the name, sex, job left, job entered and date of charge for each person promoted during that period; access to all applications for employment in faculty and administration positions for the two preceding years of this particular time; and then last, a copy of the most recent EEOC 6 report filed by the respondent. This was in the form of an attachment to a subpoena which we received with an Order to Show Cause.

We simply indicated to EEOC that we did not intend to honor this subpoena. It referred the matter to the Washington office of EEOC and about a year later determined that EEOC did have the authority and issued a second subpoena for our records. We handled that in exactly the same way that we did previously. We responded that Mississippi College was established by a special charter granted by the State of Mississippi in 1826 and was thereafter acquired by the Mississippi Baptist Convention in 1850. Since that time it has been a religious educational organization, college owned and controlled by the Mississippi Baptist Convention. Mississippi College as a matter of policy seeks to assure that the faculty and administrative officers of the college are committed to the principle that the best preparation for such a life is a program of cultural and humane studies permeated by Christian ideals as evidenced by the tenets, practices and customs of the Missouri Baptist Convention, in keeping with the principles and scriptures of the Bible. As a matter of written policy Mississippi College employs in every instance where possible persons on the faculty and staff who are of like faith and order.

The Mississippi Baptist Convention operates Mississippi College as an evangelical mission of the Baptist faith. We are counted in the budget of the mission section of our State Convention. We are listed year by year as a part of the mission dollars spent by the Church. The objective of the school is not merely to teach secular subjects, but also to inculcate in students the tenets of the Baptist faith, specifically Christian ideals, generally as an integral part of the educational process.

We suggested that the free exercise clause of the First Amendment as well as Sections 702 and 703 of the Civil Rights Act, as amended, made the subpoena requesting information on the race, religion, and sex of employees and applicants beyond the reasonable scope of the petition in an investigation of this charge. The subpoena requesting an entire work force breakdown was not relevant to the reasonable scope of the charge should also be modified in that respect.

We suggested that the crux of the case was whether EEOC's asserted right of jurisdiction over Mississippi College—owned, controlled and operated by the Mississippi Baptist Convention, as part of its Christian mission program—would constitute a violation of the religion clause of the First Amendment to the United States Constitution and an unconstitutional encroachment of the government into religion producing "excessive entanglement," and whether or not Civil Rights Sections 702 and 703 prevented the Equal Opportunity Commission from inquiring further after determining that a person of a particular religion was selected. Our position was that once the charge had been filed and we responded that the applicant was a member of the denomination and had been employed on the basis or religious preference, that should close the door insofar as EEOC investigation procedure was concerned. Obviously EEOC didn't agree. We went to court in May of 1977; once again EEOC asked us to supply all the documents that had been subpoenaed, and we once again declined to produce them. This basically is the order of the court: *This case involves a controversy within the Equal Employment Opportunity provisions of the Civil Rights Act. The charging party contends that she was not employed by the college in the Psychology Department because she is a female. The charging party and her husband had been employed at the college. The charging party was baptized in the Baptist Church when she was about 10 years old and remained in the Church until 1970, when she joined the Presbyterian Church to be with her husband in church affiliation. She sought full-time employment when there was an opening, but that job was awarded to a male professor of the Baptist faith.*

Mississippi College is owned, controlled and operated by the Mississippi Baptist Convention as part of its Christian mission program. This proceeding is basically and essentially to enforce a subpoena duces tecum ad testificandum. The petitioner contends and insists that it is simply investigating the facts to see whether or not the respondent is actually covered by the act of not. The Congress has no power, no authority to make any laws anywise affecting the establishment of religion or prohibiting the free exercise thereof. With such restrictions, the Congress enacted and the President signed into law the section of the Code which makes it clear that the chapter has no application to the female and the employee of Mississippi College. That is 42 USCA 2000[e]-1. Under such circumstances the petitioner asserted that the respondent failed to hire Dr. Sumners solely because of the fact that she is female. The college contends that it is a privately owned and operated as a religious institution and that its decision may not be inquired into or changed by any disagreement with such conclusions, and least of all, that the petitioner simply has no statutory authority to issue a subpoena and to require conformity thereto under any guise or pretext.

Then the judge goes on to give some of the specific facts about the college relating specifically to the Baptist faith. He said: *Those overriding convictions . . . may or may not find universal support among the Baptist faith . . .But this petitioner is not given any power or authority even to seek evidence to establish such facts in seeking to determine whether or not it has jurisdiction in this case. Extensive evidence was taken by the court reporter and is before the court and has been examined and considered and this court is of the opinion that the petioner does not have jurisdiction even to maintain its investigation . . .This circuit has held that the First Amendment to the Constitution precluded this petitioner from investigating charges of sex discrimination at a religious institution. Consequently, this court is of the opinion that the Equal Opportunity Commission has no power and no authority to seek or require that which it undertakes from the respondent. The subpoena heretofore issued in this case will be nullified. The efforts of the petitioner have been in vain and no relief will be granted. This is a novel question which is comparatively new in this district, and no recovery in any amount will be authorized or allowed as attorneys' fees.*

EEOC petitioned to have the findings of fact and conclusions of law amended because it didn't agree with them. The judge said the Commission didn't have that right. I am particularly gratified with this one very short statement: *This is an order on the respondent's motion to amend the conclusions of fact and law. This case having been heard and considered by the court and no evidence or testimony having been submitted or preferred by the petitioner, and the court being of the opinion that the motion is without merit, and not even supported by the conclusions of the counsel and should be overruled, it is therefore so ordered and adjudged that said motion to alter or amend interposed by the petitioner is hereby denied.*
Ordered this 20th day of July, A.D. 1978.

Since that time, in its 60-day time limit, we were advised that EEOC would at least hold open the right to appeal to the Fifth Circuit Court of Appeals on this particular issue. I won't go into the details here but each of you may have a copy of the EEOC investigational manual which shows that it had violated many steps in its own procedure. I do not believe there is any merit to the charges initially interposed. The contract was offered and signed for the second year of employment. No question was raised at the time of signing. Three months later the question was raised that the young lady in question should have been given the chairmanship

HILLSDALE COLLEGE

by Dr. George C. Roche III, *President*

At Hillsdale College, in Hillsdale, Michigan, we have had the opportunity to learn firsthand about the steadily increasing power of the federal government. The college was founded in 1844 and has never solicited nor accepted government money for any purpose. We felt sure that because of our independence, we were free to direct our own affairs, to decide what should be taught in our classrooms, and to follow what we consider the traditional system of American values.

But with the coming of the Title IX regulations, all that was changed. Previously, all government regulatory activity in higher education had been directed only toward those institutions which accepted government money. However, the Title IX regulations specified that Hillsdale and all other independent colleges and universities would now be subject to government directives if we had on campus any student who, as an individual, was receiving government financial assistance, such as Veterans' Benefits or a National Direct Student Loan.

The logic of this, carried to its conclusion, would be that if you went to the Kroger store to cash your Social Security check, and while there bought a loaf of bread with that government money, then Kroger's would be a government store. Kroger's would be a government store in exactly the same way that we are now being told Hillsdale is a government school because a veteran on campus spends his Veterans' Administration check at Hillsdale College.

Just before the regulations were to go into effect, I discussed this serious development with our Board of Trustees. The decision to take on the gargantuan Department of Health, Education and Welfare could not be made lightly. After thoughtful deliberation, the Board prepared a resolution, a portion of which follows:

WHEREAS Hillsdale College has maintained its freedom and independence of federal control by consistent refusal of federal aid to education, federal grants and any and all forms of subsidy by the federal government; and
WHEREAS the federal government now seeks to impose its control over such freedom and independence through the subterfuge that a few of the students of Hillsdale College receive federal aid through the medium of such programs as Veterans' Benefits and the National Direct Student Loan fund; and
WHEREAS it is the conviction of the Board of Trustees of Hillsdale College that such regulations are excessive of the authority granted by Congress and violative of the inalienable rights of freedom and choice of this institution and are therefore immoral and illegal; NOW THEREFORE BE IT
RESOLVED that Hillsdale College will, to the extent of its meager resources and with the help of God, resist by all legal means this and all other encroachments on its freedom and independence.

Let me stress that the issue at stake is not equal treatment for minority groups or women. Throughout its 134-year history, Hillsdale College has opened its doors to all, regardless of race, religion or sex. The founding charter has the last portion cast in bronze before the administration building and reads as follows: "To offer equal educational opportunity for all irrespective of race, religion or sex." The first woman in Michigan and the second woman in the United States to receive a bachelor's degree received it on the Hillsdale campus in 1851. The institution had women and blacks there on an entirely equal status before the Civil War. It seems especially ironic that Hillsdale College, which pioneered in nondiscriminatory treatment long before the first federal legislation on the subject, should now be compelled to comply with government regulations promulgated in the name of equal rights for women.

A letter carefully explaining our position, accompanied by the trustees' resolution, was sent to the Secretary of Health, Education and Welfare, David Mathews. A full five months later, we received a perfunctory message which said: "We deeply admire the strong stand against discrimination which Hillsdale College has always taken but we think the rules apply to you and, therefore, we are going to enforce them. We look forward to hearing from you." I wrote back immediately saying, "We're glad that HEW now officially recognizes that Hillsdale College has led the way in non-discrimination. But since you now understand that fact and since we have never taken any government money, we remain all the more confused as to why you would wish to run our affairs. However, we would be happy to talk about it."

For a few years there was no change in our situation. That brought us up to last December. At that time Secretary Califano announced that he was moving against certain schools and school districts in the country, and Hillsdale was included in that list; the manner of moving against these institutions would be withdrawal of federal funding of the individual students attending those institutions. We have never felt it was our affair at Hillsdale to pass judgment on the source of the money that the student brought to the door to attend Hillsdale College; where a student gets the money to come to school is, in a word, "none of our business." So when Secretary Califano announced that he was going to be moving against Hillsdale by withdrawing funds from a particular youngster's ability to attend school, we took the matter to court.

On August 28 of this year the administrative judge, Judge Perlman, gave his findings on the case. He based his ruling entirely on the one central point that the compliance form which we were failing to provide was an insufficient ground for HEW to regulate the affairs of our campus. Since that compliance form idea has already fallen into question at several places in various district courts, Judge Perlman felt that to regulate Hillsdale on the basis of our failure to file this compliance form was simply invalid, was in excess of HEW's authority, was arbitrary

and capricious; but aside from that, he generally approved its attempt to do this. This was hailed as a great victory by some of our friends and we were glad to have HEW slapped on the wrist, but I don't think that anyone should regard it as more than that. We are viewing this more as round 1 of a 15-rounder with HEW.

The central point is that these people in Washington are not nearly as organized as they might appear to be at first glance. We sometimes have a tendency to roll over and play dead because we are facing this huge monstrosity out there, thinking that perhaps we shouldn't make an issue. But I am saying that we should make an issue. If the people in this room were told to sit down and write a blueprint in detail on how all outsiders should regulate their affairs, their colleges, their universities, their businesses, all their functions, I think you would find very quickly that we would make a great many mistakes. We would issue contradictory rulings; we would issue rulings that were not in touch with the actual experience of the people who had lived through what we were doing. In short, HEW and the rest have submitted rules and regulations on the books that sometimes, if called into question, would be found to contain all sorts of internal contradictions. They are not nearly as prepared or nearly as potent as we sometimes assume them to be and it is important to call these things into question and stand up and fight back.

Educational institutions, in the words of Dallin H. Oaks, "must be assured a wide range of freedom for their activities of discovery, advocacy, and practice. But if that principle is to be impressed upon the bedrock of our constitutional law, colleges and universities must have the will to oppose regulatory excesses in court and they must be willing to provide the resources of time and money necessary to provision the long struggle to develop constitutional doctrine." At Hillsdale College we are doing just that.

BRIGHAM YOUNG UNIVERSITY

by Dr. Dallin H. Oaks. *President*

In the 10 minutes remaining I will summarize the BYU housing discrimination controversy, which involved different principles of law and a different government adversary than the other controversies our colleagues have summarized.

Our experience illustrates that some of the most important anti-discrimination laws and regulations are seriously deficient in failing to take account of the different nature of the discriminations they outlaw. Thus, the provisions of a law or regulation forbidding racial discrimination are not necessarily sound and workable when applied across the board in outlawing sex discrimination.

Brigham Young University's controversy with the government concerned the Fair Housing Act of 1968. Our adversary was the Civil Rights Division of the United States Department of Justice.

In the Fair Housing Act of 1968 Congress enacted a complicated legal matrix forbidding the consideration of race, color, religion or national origin as a criteria for action in any transaction in the housing industry, including buying, selling, leasing, constructing, advertising, brokering, financing, maintaining and improving. The pervasive prohibitions of this law made good sense when applied to racial discrimination. But in 1974, with hardly any clarifying legislative history, Congress inserted the word "sex" into this matrix of prohibitions without any apparent consideration of the fact that in relation to some types of housing transactions, sex discrimination is qualitatively different from the other forbidden discriminations. This is why the courts, which have made race an impermissible classification for official action, have declined to do the same for gender. Thus, the interests of privacy and decorum make sex an appropriate matter for consideration in the context of apartment living arrangements. This bad lawmaking led to the ridiculous situation in which the Civil Rights Division of the Department of Justice sent us a letter in February, 1978 threatening to file suit against Brigham Young University and various off-campus landlords for sex discrimination because we had a cooperative program to assure that single men and women were housed in separate apartments and in separate buildings or wings of buildings.

Each off-campus apartment in our community typically accommodates six students. To accomplish our policy the cooperating landlords, of course, consider the sex of the prospective occupants when they assign single students to the various apartments, just as many universities and colleges consider sex in preserving separate on-campus living facilities for men and women. But in its literal language—not illuminated to the contrary by any legislative history—the amended federal Fair Housing Act seems to make it illegal for anyone to consider the sex of any renter in fixing the terms, conditions, or privileges of any rental arrangement. No one was very comfortable with the ridiculous implications of the government's position, and after some helpful ridicule by the media—notably the *New York Times*, the *Los Angeles Times*, and syndicated writers George Will and James J. Kilpatrick—we found a way to settle our controversy on terms that permitted BYU and the landlords to continue their practices as to single students. But the issue should never have arisen in the first place. The law should be amended to provide appropriate exceptions to allow the occupant's sex to be considered as a factor in apartment living arrangements.

Our settlement agreement with the Department of Justice was dated June 8, 1978. It provides a suitable pattern for settlement of similar controversies at any university or college in the country. Copies are available on request from my office or that of H. Hal Visick, our General Counsel.

Until the Year 2000: Reflections of a Retired College President

by Dr. John E. King

Chairman, Department of Higher Education
Southern Illinois University, Carbondale

Dr. John E. King, Chairman, Department of Higher Education, Southern Illinois University, Carbondale, holds a B.A. in Latin from North Texas State University, an M.S. in Educational Administration from the University of Arkansas and a Ph.D. in Rural Education from Cornell University. He was President and Professor of Higher Education at the University of Wyoming (1966-67) and President/Professor of Kansas State Teachers College (1953-66). Dr. King was selected as one of three U.S. researchers to do research case study for Association of Governing Boards on *Lay Governance at St. Lawrence University.*

It is a very special joy and privilege for me to be invited to speak before your Association this evening. I can think of no group of leaders more essential to the pluralism of our society than yours. We just can't have real volunteerism in our culture without your colleges and universities. And your colleges and universities and their lay governance depend so heavily on the president in each situation.

On this occasion I feel like Clare Boothe Luce is reported to have felt when she first converted to Catholicism—eager to tell the Pope what a great church he was connected with. I want very much to tell each of you how hard you work, how important your institutions are, how necessary your leadership is, and how much I hope my grandchildren go to your institutions—on scholarships of course. But something tells me to cool it and not even comment on how tired and careworn you look. I also thought of donating my honorarium for this talk, split 50-50 to Lloyd Ahlem's and Dallin Oak's beloved institutions, but that seemed like an empty gesture, since most of you know it is a freeby. Perhaps my best introductory statement is to say that during the last two years I have had the cherished experience of serving as a Mentor for the Association of Governing Boards of Universities and Colleges in the planning and conducting of individual Trustee Conferences for six private colleges. These fresh visits with trustees and presidents have reaffirmed my interest, admiration, and concern for the most distinctive higher education institution in the United States, the private liberal arts college.

The experience of being in these private college governance situations and with private college trustees and presidents in other conferences, has given me some impressions and raised some questions that I will attempt to share with you. I hope that you will be as interested in the questions I raise as in any answers or suggestions I try to provide. I think it is likely that each of the institutions you represent here at this time will be socially alive and controlled by lay governance in the year 2000. I also think the concept of the presidency will endure and that presidents will be as important then as they are now. Here are my comments, questions and impressions arranged in three categories:

A. The Cultural Watershed.

George Counts would call the period you are passing through a "Cultural Watershed."[1] Your liberal arts colleges are distinctive in the U.S. and occur in no other society. There are perhaps 900 (out of a total 1300 two-and four-year colleges and universities) like yours. You have come through a period of challenges and danger and opportunity since World War II. You have seen an unbelievable growth in the public college and university enrollment. You have seen competition develop among private and public colleges and universities to recruit adequate enrollments of traditional students. You have seen competition from public institutions develop for voluntary financial support.[2] I think you will now see a realization in this country that during the rest of the century, with a population stat of perhaps 225 million, it will be considered highly important to provide higher education for the predicted 2.25 million students. I think also that we need all of the private higher institutions we now have, and a few more. There will be a few more I think, in places like Alaska, California, and Wyoming. I expect the predicted stat of 12 million plus for all of higher education's 3000 U.S. institutions to turn out to be somewhat low as the 1200 community colleges and public four-year colleges adapt better to vocational missions and nontraditional students. To

use a 'Counts' expression, yes, you are passing through a cultural watershed. You have been running into the forest. Soon you will be running out of the forest. I would estimate that at least half of the 900 private Institutions of Higher Learning (IHL) I have referred to are in financial difficulty; that perhaps less than 25 percent of your Institutions of Higher Learning (IHL) receive a safe percentage of your operating budget from endowed or other non-tuition sources. I would say that probably the recruitment of a continuing supply of traditional (recent high school graduates, age 17-21) students is a serious problem in most of your institutions. And it is an expensive, harrowing nightmare in possibly as many as 25 percent.

What are some of the symptoms of cultural change we may notice at this watershed period? We will become aware that a large number, perhaps as many as 100 relatively new private IHL, have appeared with strong religious commitments in their missions and governance. Publicly supported institutions will go through wave after wave of accountability experiences. The pressure of meritocracy will be great on the developing public four-year institutions where attempts are being made to develop research missions. There will probably be more sensitivity on the part of federal and state program administrators to deal reasonably with private college and university officials on matters affecting the independence and identity of the private IHL. Most private colleges that go out of existence will be replaced almost immediately by other private colleges with strong religious or social service affiliation.

The general effect will be that of greater stability in private colleges and universities during this coming period, possibly lasting through the rest of the century. After all these 200 years in our republic we are still trying to find out in real life what the American dream is like. In the late twenties, my father-in-law, on small means, sent three children through Trinity, a Presbyterian USA college in Waxahachie, Texas. There are still millions of parents who will go to any length to do this same thing. They are going to support higher education as the new common school of our culture. I am not sure that they will be more sophisticated or demanding than my father-in-law was. Somehow I think these parents, who constitute a large percentage of the 90 million job holders in the country are still very much in love with private higher education as a means to the realizing of a better life for their children. I think they will still shell out and do almost anything to turn their children over to you. (Thank you Delco)

B. Perceptions of Trustees.

There are about 25,000 private college and university trustees in the U.S. We are the only country that really has lay governance of our IHL although Canada and Great Britain have some lay governance characteristics. It is difficult to overstate and even more difficult to gauge the importance of the contribution of lay governance throughout our society. The 3,000 public and private IHL boards, the approximately 15,000 school boards, the more than 3,000 county boards, municipal boards and thousands of other boards are essential to our society. From the feedback from research reports conferences with trustees I have certain observations:

1. The two problems which trustees express the most concern about are finances, and encroachment upon the college's identity, rights or autonomy by federal and state agencies and administrators.

2. Additional perceived problems often related, including board's role in fund raising, financial support and management, board organization, board/chief executive relations, board/faculty relations, and board/student relations.

In a private college or university when a board of say 24 trustees is operating well, working properly with a chief executive, with a knowledgeable and capable board chairman, it is a lovely occurrence. It can be likened to the beautiful meeting of water and land that occurs in the Monterey Peninsula of California; no structure that democracy has produced in Western culture is more serving of our society than such a board.

I am convinced that boards of trustees have done as much as any part of our society to maintain academic freedom, to support the liberal arts college idea, to bring us through the Vietnam War period and to keep constituencies for the colleges you represent. You and I know that trustees are not always appreciated by faculty, students and alumni. I have seen many a trustee booed at a ball game when introduced and I have seen graffitti very disparaging of trustees on some very lovely campuses. Even worse, I have known many presidents who believed in little steps for little feet where trustees are concerned. I believe the period we are entering is one of special need for trustees. If we are ever to get private giving in our society up to where it should be, it will probably be done by the collective effort of comparatively lay governance volunteers in our society. It can't be done by presidents alone, no matter how brilliant and tireless many of them are. I doubt that we can say our society at present is making an adequate effort in voluntary giving.[3] I hesitate to attempt figures on this but *Chronicle* and Sidney Harris figures indicate that voluntary giving could be doubled in the U.S. and stay within two percent of our GNP[4].

C. Suggestions to Presidents.

These suggestions are offered more as questions than as answers. In most instances they are reflections of discussions I have participated in with trustees, students, faculty, alumni and presidents.

1. In the years to come can your institution serve nontraditional as well as traditional students?

The trouble with a meritocracy in higher education is the measuring devices are somewhat inadequate and there are winners and losers. There may be a shortage of traditional students in the future with the number of high school graduates dropping slightly. There will probably be a large supply of nontraditional students! In your private college you may need to take a close look at what may be a diminishing supply of traditional students within your recruiting range. The private college or university which faces this question courageously may have a more beautiful destiny in the year 2000. If you represent a struggling or "less visible" private col-

lege don't wait for the elite or better positioned colleges to set an example for you. Only you and your trustees and constituents can answer this question.

2. After all these years, is a truly distinctive mission possible for your institution?

This mission can have several forms but each needs to be consistent and understandable to students, trustees, faculty, alumni, friends, and presidents. After all we've been through in our society this seems difficult, yet so very worthwhile. I have seen this happen in a few situations. Where it happens a saga is possible. In such a mission how will you deal with our technology?[5] What about career education? Socialization?

Unfortunately many private college mission statements are not tailored or adjusted to the individual college well enough to be functional. They oftentimes are not really missions as much as they are affirmations and declarations.

It is very unlikely that any private college with a really functional misson was among the more than 100 private colleges reported as closing during the 1970-78 period.

How to do something about the need for a more real and ethical mission at any private college is a tough problem but I have been very encouraged by the deep and responsible interest and responsiveness to such a question by the trustees in the conferences I have coordinated during the past two years.

3. Is it possible for a 24-person board of trustees to have all or nearly all its members usefully and supportively engaged in the lay governance of your institution?

This is most difficult. The best examples of this I have seen have occurred by means of board committees effectively staffed. It is my belief that lay governance of private colleges and universities is still a sleeping giant. This sleeping giant, if it awakens, may and probably will double voluntarily giving to private IHL in the United States in the next 10 years.

One reason for the optimism I feel about the future of private colleges in the United States comes from a sort of restrained Great Awakening that is taking place among private college trustees. The grant of $1 million by the Lilly Endowment to the Association of Governing Boards of Universities and Colleges four years ago has contributed to this awakening. There have also been subsequent gifts by the Kellogg and Carnegie Foundations to AGB. There is more in-service education of trustees occurring formally through AGB and other organizations than at any time I can recall. There is a likelihood that the years until 2000 will see the trustees of private colleges and universities " . . . accept a more demanding (and a more rewarding) role."[6]

4. Is there any way to lessen the strain and pressure without damaging the effectiveness of the private college or university president?

Many presidents of private colleges and universities have struggled to find an answer to this question. It affects the best and the worst presidents. You know a great deal about this already and you have read and listened to many ideas. The ones that have stayed with me through the years and that I would wish for you in the years to come include:

a. It helps to have someone close who loves you and who understands, if not most, much of the time.

b. It helps to admit mistakes; to own up to being human, even reluctantly.

c. It helps to have the quality of *gravitas*, and you can develop this. Start by studying it from Roman days.

d. It is very helpful to have learned to trust a higher power.

e. It helps to be a conceptualizer as well as an operator or manager.

I haven't discovered any way to connect a board of trustees with a college or university except through a president. Good staff helps. A strong constitution helps. Long vacations help. The joy and beauty—or what Fred Ness once called the *Uncertain Glory* helps. Without the president it is my experience that lay governance doesn't work. I haven't seen a troika or dual control system that worked well. You are all lovingly sentenced to holding your finger in the dike to make sure that one of the most beautiful and necessary social institutions in the free world can survive until the year 2000.

CONCLUSION. The difficulties of our times weigh heavily on private colleges and universities and their presidents. But the times are accompanied by some favorable factors that will probably last for most of your careers. Good faculty are now more available than at possibly any time since Pearl Harbor. The percentage of the GNP going into voluntary giving is low. You and your trustees can change this. The resources are "out there."

There is much disillusionment with large public institutions, even in those with winning athletic teams. Many large public institutions are charged with lack of interest in undergraduate teaching.

In private colleges and universities you have greater ability to control, change, inflect or redirect your missions. There is an increased awareness in our culture of your importance and contribution.

Your size, history and nature fit lay governance well. This is understandable as without your institutions we probably would not have lay governance of higher education.

For some time the bloom has been off the Land Grant and People's University Movements in U.S. Higher Education. In a short time you will see the bloom slightly off the community college movement. These thrusts will continue and even thrive until the year 2000, but the role your institutions will enjoy in the minds of U.S. citizens will be as strong and distinctive.

It's very likely there will be 900 private colleges and universities (like yours) in the United States in the year 2000, that will enroll more than 2 million students, and that they will have presidents, boards of trustees and faculties.

It's a time for you to enjoy heavenly

Scottsdale, without envying the fellows who've made it to Sun City. It's not a time to be playing taps at board meetings.

Your institutions or their counterparts will have a chance to produce Christian leaders. Renaissance persons, graduate students, dilettantes or either trained or educated technologists until 2000. You are in a safe harbor for the rest of this century, even though in some cases you may be keeping your ship afloat with pumps.

FOOTNOTES

[1]See "20-Year Trends in Higher Education," *The Chronicle of Higher Education*, November 13, 1978. Also *Trends in American Higher Education*, Chicago Press, Joseph Ben David, p. 2-6.

[2]Tolle, p. 13, *Chronicle Desk Book*, p. 148.

[3]See the column by Sidney Harris following and clipping on GNP.

[4]See "A Tiny Slice," by Sidney Harris, *Sunday Courier and Press*, Evansville, Ind., Nov. 12, 1978. See Appendix.

[5]See Fred Ness's Commencement Address at Milliken University, p. 87-89.

[6]See Robert K. Greenleaf's *The Institution as Servant*, p. 8.

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How a Businessman Looks at Higher Education

by Richard L. Abbott

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Richard L. Abbott, Executive Vice President, Merchandising, Montgomery Ward & Company, has a B.A. degree in economics and political science from Principia College. Mr. Abbott has been with Wards since 1962 and serves on four of its Board's committees. He is currently trustee of Principia College and George Williams College, serving on the executive committees of both Boards.

In the year 1875, Mary Baker Eddy, the discoverer and founder of Christian Science, wrote these words in her textbook, *Science and Health with Key to the Scriptures*, "The astronomer will no longer look up to the stars; he will look out from them upon the universe; . . . ." And so, men have gone to the moon.

Andrew Young, United States Ambassador to the United Nations, has said, in effect, "Our prisons are filled with political prisoners." Angela Davis, as a faculty member at the University of California at Los Angeles, was reported in the press as advocating to her students and setting an example of violent revolution.

As a college student, I received an "A-" on a paper in which I advocated a $25,000 ceiling on personal income. The minus in the grade was unrelated to content; rather, it was occasioned by errors in grammar. My logic, my theory were all accepted. There was no requirement to prove anything. The two professors involved with the paper even led me to believe I was really on the right track.

Is it worse to fire-bomb a building of destroy a few lives than to fill a student mind with destructive ideas under the guise of academic freedom? I think not. The reporter or teacher who is allowed to misrepresent the facts, in error or with intent, is just as guilty of wicked behavior.

It is my belief that man can produce and execute any idea that comes to mind, given the resources for accomplishment. Ideas always precede action. Thus, Mrs. Eddy was right about "looking out from the stars." The person who early last year nearly killed me with a switchblade knife honestly believes what he has been taught—that he is some sort of political prisoner. The terrorists around the world are convinced that the individual right to revolution, including terrorist assault, is fully justified.

I believe, as an individual and as a corporate officer, that I have a right and responsibility to see that my contributions to education go where they will serve the best interests of my country and my company. The paramount interest is the preservation and reinstatement of our private, free enterprise system. I want to support a body of teachers who are willing to accept the greatness of the American System rather than help destroy it by magnifying its flaws . . . what might well be called a hypersensitivity to social problems. Or, to use a common expression, those who would throw the baby out with the bathwater. That is exactly what is happening currently.

Let us look around us, past and present. It's taking place and, I am afraid, under the banner of academic freedom, we are letting it all come about. We, you and I. We just are not giving the students the big picture. Instead of providing them with a broad assortment of ideas, all measured against a base of freedom with responsibility, we find a tendency to "sell" particular ideas. I grant it is a fine line, i.e., exposure to ideas versus selling of ideas. One doesn't need to study all the counterfeits in order to recognize the real thing. Rather, maybe we should focus more attention on the free enterprise system as a totality and less attention on the other systems that tend to destroy freedom. Maybe we have given our students so many ideas that they are like ships tossed about in a sea of hot air.

Government bureaucracy and the resulting regulations are beginning to

strangle our free society . . . 100,000 federal regulators in 11 departments, 44 agencies on 1,240 boards, committees and commissions; 70,000 pages in the Federal Register in a year. And the faculty members across the country not all, but in large measure are helping to feed the fire. If we accept, and, even worse, **teach** the false belief that all or most social ills and errors can be resolved by government involvement, we are truly blind to the destruction that lies before us . . . in the generations to come. In a talk-visit last year with some two or three hundred young people at the 55th Annual 4-H Congress, I said, "If we allow all personal risk to be legislated out of our lives, we will destroy our freedom. No risk and freedom are opposites."

In his article, "The Threat to Freedom in the Welfare State," Milton Friedman makes some very interesting observations. I quote: "Freedom is very far from being the natural state of mankind." He challenges the reader to review most periods in history for proof.

He then goes on to trace the loss of freedom in Chile with the start of their welfare state in 1906 . . . an expansion in the role of government over the lives of people—measures introduced by good people for good objectives. He points out that when Salvadore Allende came to power the Chilean government was already spending about 40% of the national income. Since Chile was a poor country, taxes were imposed indirectly in the form of inflation.

The United Kingdom is rapidly following the same course. It is richer and stronger than Chile so the "disease" is taking longer to afflict. Already government spending in Britain approaches 60% of the national income.

The United States is hard at work playing catch-up. Except for war years, from 1776 to 1929 the total of all government spending was less than 10% of the people's income, and in 1929 alone federal government expenditures were only 3% of the national income. But, in the ensuing 43 years, total government spending has now reached 40% of the national income, with federal government accounting for well over half of it. Frightening! Unless we want for our grandchildren what has happened in Chile, the U.K. and New York City, we had better take account of our actions.

Yes, about New York City. The city with the most welfare-state-oriented electorate in the country. Here we see the total scenario acted out: excessive welfare (the hypersensitivity to social problems), financial crisis, loss of liberty and freedom. The city was, maybe still is, being governed by a committee of overseers appointed by the State of New York, with power to overrule the elected officials of New York.

Yes, excessive government leads to financial crisis which in turn leads to a loss of self-government.

Let me cite a personal experience related to government's welfare role. Early this year I was seated at a lunch table with a group of alumni from my alma mater. I asked the new friend next to me what he did for a living. "I work for the D.O.T. . . . , the Department of Transportation."

"Doing what?," I asked.

"In the Department of Safety."

"Exactly what?," I asked.

"We work on rearview mirrors, windshield wipers and back glass."

"We?," I said.

"Oh yes. I have 42 people in my section, and we need more."

Can you imagine the harassment a sophisticated auto industry is subjected to by such a staff of "do good experts." This example is a minuscule speck, a grain of snow on the tip of the iceberg. The colossus beneath is beyond comprehension. It is huge, such a monster nobody can cope with it, not even the President or the executive heads of the Departments of our federal government.

Identifying problems without solutions is futile. So, here is a start: (1) stop asking for additional government help of any kind; (2) get your Congressman to vote for a pay-as-you-go bill; no further borrowing, no further printing of money except as necessary to keep pace with the increase in gross national product; (3) all laws spelling out regulations and all major regulatory decisions should be required to first include an **economic impact statement** proving that their benefits outweigh their cost; (4) officials at decision-making levels in regulatory agencies should be required to have demonstrable competence to regulate an industry, based on substantial knowledge of the industry itself; (5) regulatory bodies should be subject to periodic congressional review, and even to "sunset laws" to limit their life spans.

I strongly recommend to every faculty member, every teacher in America, a careful reading of William E. Simon's recent book, *A Time For Truth*. Let me cite just two quotations:

America is not a welfare state even in the old New Deal sense of the term. This country today is purely and simply a redistribution state, endlessly shaking down Peter to pay Paul. Not orphaned Paul, not crippled Paul, not aged Paul, not black Paul, just Paul.

Further, Mr. Simon writes: *In a 1976 lecture at Hillsdale College, M. Stanton Evans made a disturbing calculation. He observed that there were, by official definition, 25 million poor people in the United States. And he also noted that between 1965 and 1975 the total expenditure on social welfare programs increased some $209 billion to a staggering total of $286.5 billion. He said: If we take those 25 million poor people and divide them into the $209 billion increase—not the whole thing, just the increase—we discover that if we had simply taken that money and given it to the poor people, we could have given each and every one of them a stipend of some $8,000 a year, which*

means an income for a family of four of approximately $32,000. That is, we could have made every poor person in America a relatively rich person. But we didn't. Those poor people are still out there. What happened to the money? The answer is that some of it did get into hands of the people who are supposed to get it. But a lot of it didn't. I would say the majority of it went to people who are counseling the poor people, working on their problems, examining the difficulties of the inner city, trying to rescue poor families and devising strategies for getting them out of their doldrums. It went to social workers and counselors and planners and social engineers and urban renewal experts and the assistant administrators to the administrative assistants who work for the federal government.

As a professor from UCLA told me, and seriously, on a plane trip some months ago, "Why worry about all the people in government . . . it beats unemployment." She had just been to Washington as an expert testifying before a congressional committee on H.E.W. issues.

I would like to continue my quotation of Milton Friedman *. . . there is no group in this country that has done more to bring this (excessive government) upon themselves than the academic community. It has been in the forefront in persuading the public at large that the doctrine of individual responsibility is a false doctrine, that the source of all good things is 'Big Brother' in Washington . . . [T]he fundamental fallacy . . . the attempt to do good at somebody else's expense . . . the failure to recognize the distinction between the political market on the one hand, and the economic market on the other. . . . The fundamental difference between (the two markets) is that in the political market there is very little relation between what you vote for and what you get. In the economic market you get what you vote for.*

Example: How many of you prefer white shirts to colored shirts? White, 14; colored, 9. Now, based on your political decision, majority rule, we will now market, as might be the case in Russia, only white shirts. The economic decision is simple. As a business man, I will provide you with all the colors you want, including white, providing there are enough of you to justify the production and carrying costs.

Back to Milton Friedman. *Here is the fundamental defect of the political mechanism: it is a system of highly weighted voting under which the special interests have great incentive to promote their own interests at the expense of the general public. The benefits are concentrated, the costs are diffused, and you have therefore a basis in the marketplace which leads to even greater expansion in the scope of the government and ultimately to control over the individual.*

The economic market–if you are paying out of your own pocket for something and not out of somebody else's pocket–then you have a very strong incentive to see whether you are getting your money's worth. In addition, nobody can get money from you in the economic market unless you agree. There is nobody who can put his hand in your pocket without your permission. In the political market, that is the standard way of financing everything.

. . . the situation is that the economic market is a more effective measure for achieving political democracy than is a political market.

The private market, the economic market (of voluntary cooperation) is also the most effective means of doing good.

Now let is turn for a few minutes, from government to education and people. Man is not created equal from a non-spiritual, materialistic point of view. Any attempt by law to create such equality is ludicrous. Some of us can bear children, some cannot; some are proficient in the arts, some are not; some can manage, some can be taught to manage better, some are not managers at all; some are physically attractive, some hardly at all; some can enjoy a simple, uncomplicated life, some want the sophisticated, complex jet set experience; some are more mentally or physically handicapped than others; most are capable of some form of work effort, a good many are not; all need some form of educational development, but relatively few are capable of handling it all.

All mankind needs a sense of economic security and freedom from bad health; some people want freedom of choice, others are satisfied to live in a totalitarian environment. Each to his own. There must be a place in the world for both philosophies; some of us believe in cure by prayer alone; many would combine prayer or faith with medicine; some would leave it all to medicine. Again, each to his own. **It takes a measure of greatness in man to allow freedom of choice to both a body of people and to the individual . . . rightly measuring the wisdom of each.**

Recognizing the inequality of man, we must be sure our educational systems provide every person an opportunity to meet his individual need; the opportunity to achieve his full potential for life, always assuring man that his basic needs will be met, but not without effort on every man's part, measured in terms of that man's ability to produce, without regard to race, religion, color or sex.

Speaking of over-education: Colleges must find a better way to maintain their quality and financial stability than by maintaining enrollment on the basis of head count. The act of balancing budgets by accumulating students is resulting in non-qualified persons being exposed to more formal education than they need or from which they can benefit. The result is their entering the corporate world with an unrealistic view of their worth in the employment marketplace.

Mr. Arthur Shenfield had a good deal to say to you last year on this general subject in his formal address, *From Campus to Capitol: The Cost of Intellectual Bankruptcy*. I wish time per-

mitted me to repeat much of it. I do agree with his main theme that the excessive spread of education has lowered the standards of intellectual life, has not enabled the student to think, to analyze, or to distinguish error from truth.

He presented a rather clear picture of why the teacher of today tends to favor the unfree society of unlimited government. It is his way of sort of getting back at the higher paid inventor/marketer of the better mouse trap, the businessman whom he may both despise and envy.

In the business world we pay well for management talent and the creation of needed, applicable ideas; we don't pay high rewards at all for the mere spreading around of other people's ideas. I trust teachers fully appreciate the need for well-disciplined, creative/practical thinkers. You should be identifying them for us upon graduation. Practical, pragmatic, creative talent is what we want. To encourage masses to go through the non-technical-skill educational process without the ability to manage or create, develop and execute ideas is unfair and unwise.

Again, I agree with Mr. Shenfield when he says, *The place for universal education in a democracy is at the primary and secondary levels. At the level of higher education only an elite has the right to take part.* However, I would hasten to add that beyond the secondary levels there must be available a universal technical skill and basic managerial educational system. We must all have the opportunity to obtain that level of education for which we possess the basic talent. We must all learn how to produce something of value: art, literature, houses, cars, elementary teaching ability, etc.

***

In May of 1919–over 59 years ago–in Dusseldorf, Germany, the Allied forces came upon a copy of the *Communist Rules for Revolution.* Now, 59 years later, these same rules, cloaked under the guise of freedom, appear to be assiduously followed and encouraged by those who would destroy our society . . . . and by many who just do not know what they are doing. I will mention only four of these rules that, to me, have a direct bearing on our subject:

1. Corrupt the young. Get them away from the moral values of religion. Get them interested in sex. Make them superficial. Destroy their ruggedness.

2. By encouraging government extravagance, destroy its credit. Produce fear of inflation with rising prices and general discontent.

3. Foment unnecessary strikes in vital industries. Encourage civic disorders (including crime). And foster lenient and soft attitudes on the part of government toward such disorders.

4. By serious argument, cause the breakdown of the old moral virtues such as honesty, sobriety, continence, and faith in the pledged word.

As a businessman, I agree with Ruth Stafford Peale's *Six Gifts to Make Your Children Strong.* These are exactly the qualities I would look for in graduates before making the decision to hire. They are just the opposite of the *Communist Rules for Revolution.* Here they are:

1. Self-confidence–ability to meet challenge.

2. Enthusiasm–a necessity for selling or teaching.

3. Compassion–appreciation for others; The Golden Rule in action.

4. Respect–respect for proven values.

Here let me digress a moment and read a passage from the *Manual for College Men* (Principia College 1937):

If your college experience is to do anything whatever for you, it must enable you to acquire a respect for rule and constituted authority that is both impersonal and well-founded. This is a point of view which must be accepted if you are to make it on your own. Mere conformity through fear or compulsion will never give it to you. If you can acquire this attitude of respect for law and constituted authority, at the same time realizing that the world around you does not fully accept it, and if you are willing to attempt the laborious process of helping build a little at a time for a better condition, your college experience will not have been in vain.

5. (The fifth gift to make your children strong) Resilience–ability to cope with change.

6. Hope–a faith in something good.

I would add another: Willingness and desire to work hard . . . to believe in the dignity of work.

If the educational institution is not providing an atmosphere conducive to the development of these seven qualities, then I question if, as a businessman, I should support such an institution.

But, there is far more needed to justify support.

1. Every student should have an employable skill before his formal education ends. This holds true for all education. It should be, in part at least, the responsibility of the academic community to identify the student's peak-out point and then be sure the skill is obtained before release, the student willing. I wish time permitted elaboration on this point. We could spend hours on it.

2. Every student should have a basic understanding of economics as related to the free enterprise system, i.e., as Fletcher L. Byron has said so well, "You can't distribute wealth you haven't created." Business affects our lives every day, yet so few have any but a very limited, often distorted view about it.

3. Some understanding of management behavior: (a) as a father or mother; (b) as public-spirited citizen; (c) as a manager of people in the work environment.

4. An ability to look ahead—perhaps education should deal less with past events and at least equally with those matters which can help the student deal with the problems 5, 10, 20 years ahead.

5. A preconditioning as to the alternatives for the lifetime work experience. It is a crime that so few students know what they want to do or much worse, what they are capable of doing.

I have a standing offer to the juniors and seniors of my alma mater or the son and daughter of any employee, that I will let them interview at least five levels of management in our company over a period of two or three days in order to help them form career decisions. To have spent four years studying language, or math or business theory or whatever and then take the first job in the first field that comes along makes no sense at all.

I have read with great interest the publication *Interface* published by the council for Financial Aid to Education, Inc. I note that Montgomery Ward's Chairman, Edward S. Donnell, is on its Board of Advisors. While much is being done to help the student make intelligent life work decisions, far, far more needs to be done. I am proud of the initial steps my school has taken. I trust that it will go far beyond where it is now.

Little, if any, of what I have said is new to any of you in this audience. My concern is what can we do together. We, in the senior management of business and you, as the chief executive officers of your educational institutions, to bring this message and these problems to your faculty and they, in turn, to the students.

In the current (November 1978) issue of *The Reader's Digest* is an article worth your time, entitled "The NEA: A Washington Lobby Run Rampant." Don't let the need for Academic Freedom deter you in your mission to guide your faculty in the direction of free enterprise vs. rule by government bureaucracy, or government-backed union domination.

Here are a few, constructive I trust, suggestions for your consideration:

1. Support and fight for Lloyd H. Ahlem's "voucher in hand . . . issued by the state and [the student's] choice of school would be his own." No government involvement in running education except as a necessary administrator of the funds.

2. I would like to see every senior manager in my company and others (some 100 in mine) be invited by you and your faculty and be made available by us to joint-teach with a faculty member at least one semester course every three years. You, the educators, outline the subject matter. Then encourage all of us to participate. Do not limit the fields of study to just business courses per se. Literature, art, history, human behavior . . . all are fine possibilities . . . but in the field of business, insist on senior managers . . . those with a proven track record . . . outstanding business credentials. I honestly believe that your teachers would soon learn that we businessmen are not all that bad.

3. Involve us deeply in the career planning process. I do not mean just job hunting; that comes later. I mean the process for forming a basis for a career decision. Let students come to us and let us come to your campus. Again, I am not speaking about recruitment and I am still talking about senior management involvement.

4. Let us get to know your faculty so we can judge whether the institution is worthy of our corporate contributions.

Speaking of contributions, I have a pet idea: I would encourage every corporation to provide its senior officers with a **contribution allowance** (corporate funds). The corporation would prescribe the basic guidelines for giving, **plus** place two requirements on the officers: (1) that each must serve the receiving charitable institution as either an active board member or as an even more active policy-making advisory committee member; (2) that the officers personally contribute on no less than a one-to-ten basis up to $10,000, and a broader basis beyond that—i.e., $1,000 personally and $10,000 from the corporation, out of the **contribution allowance** fund.

This program could obviously serve two main purposes as far as educational activity is concerned: provide an increased source of income to the institution and bring the institution and business closer together.

5. Far more invitations to the faculty to participate in corporate training programs and seminars . . . not necessarily for a fee . . . but, hopefully, assuming that business would cover traveling expenses.

6. While basically we need relatively few graduate school students in retailing, I strongly favor a process whereby after six to ten years of sound business work experience, we, the corporation would send at its expense, selected employees to graduate school or schools to round out their formal educational development. Much work needs to be done to structure courses that have real value and meaning to these business-wise students. I might add that I believe these students could bring much to the faculty and general student body of such schools.

None of these ideas will develop unless the chief executive officers of both business and educational institutions want action. The faculty won't start it—they may even resist on the grounds of academic freedom invasion. Senior management in business won't start the programs. So, why don't you begin the process . . . assume the leadership role.

In closing, let me give you a one-on-one personal experience that I treasure highly. It has strengthened my pride and faith in America. It has taught me some lessons in the practical educational process.

In 1966 we shared our home with a 21-year-old law student from Chile, thanks to The Experiment in International Living. Upon arrival, it turned out that Juan Carlos and most of his traveling companions were strongly sympathetic to communism. At first it seemed as though there was an impossible gulf between us—far more than a mere gap.

Night after night Juan Carlos and I visited—often into the wee morning hours—he, a Catholic, I a Christian Scientist; he, a young man, I his father's age; he, a Latin, I, what you see; he, understanding some English, I, not speaking Spanish or German.

We read the Bible together and discovered far more in common than otherwise; he visited our public schools, our courts, our library, my office where he visited with many employees; he and I prepared my federal and two state income tax returns. I had to explain to him that I got far more value for my tax money than the pay-out, that I didn't agree with all the ways my money was used, but certainly he had seen great evidence of fulfillment in roads, schools, fire and police protection, national defense, to name a few. He was amazed at my giving over 20% or my income to charity.

When Juan Carlos was ready to leave, he was asked by his fellow students to prepare a letter that in some measure would express at least his thoughts. Let me read that letter.

Dear Friends:

In our life exists some experiences that never may be forgotten because they constitute an integral part of our being. To deny them would be to deny our own existence.

We think that these two months in the United States constitute one of the most valuable experiences of our life. We ask why, and it is not easy to get an answer because it is only the time that makes ripe the fruits of our actions. But we will try to anticipate to that time.

Two months ago, a group of nine university students left their native country and their home for a new world, very much known for its weakness but really unknown for its virtues: the United States.

What did we find? We found a second native country and we found a second home.

Nobody said to us before that Americans were so hospitable, so joyful and such really authentic people.

For that reason we did not expect hospitality, nor authenticity, nor a joy of living, but these are what we have found everywhere.

We have learned the value of the organization and the dignity of work. We have learned and understood besides, the deep meaning that the North American people have for their native country, their religions and their freedom.

I would like to explain why I say that. The native country is valuable for the North Americans, not because they sing their National Song frequently, or that they have flags in every place or that the U.S. is the biggest Occidental power. It is valuable because it has one hundred-and-ninety years of democracy and because it has put its intelligence and its work to the service of humanity . . .

Religion and freedom, side by side, form the basis for their ideals, their philosophy and their way of being.

These ideas are not new.

Washington and Jefferson fought for them. Lincoln and Kennedy died for them.

By this inheritance the North American people are proud. And this is, dear friends, what we have seen and learned of the U.S.

Now we can say that we know something more than the skyscrapers of New York, the Capitol in Washington and Niagara Falls: Now we know the North American people.

We have, besides, a strong link which will join us even more to the U.S.; we

The Health Hazards of the Presidency and What To Do About Them

by Dr. James M. Crawford

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Dr. James M. Crawford, Dean of the School of Health, Loma Linda University (Ca.) has a D.D.S. degree from Loma Linda and a M.P.H. degree from Harvard University. He served as chairman of both Departments of Public Health and Dentistry at the Bangkok Sanitarium & Hospital. He was on the staff of New England Memorial Hospital, New England Conference of S.D.A.'s and the California Rehabilitation Center before joining Loma Linda in 1970 where he taught Dental Health Administration and Health Education and held several administrative appointments in the School of Health.

The president of a college or university faces health hazards not common to the average citizen. His responsibilities bring a heavy demand on his emotional, physical, spiritual, mental and social reserves. He is constantly called upon to give an impromptu speech or statement regarding phases of his university's program with which he is not completely familiar. He holds the solution to every problem that no one else wants to address. He has the final say in many a dispute (whether he wants it or not). All of these and a million other daily chores create tensions and strains on the human body.

It is his responsibility to be present at every fund raising dinner, each school banquet, even the brown bag seminars. This can create gastrointestinal confusion bordering on chaos, to say nothing of the gigantic problem of expansion, usually in places and directions he would rather not expand.

The massive pressures on his time allotment for personal fitness usually allow little or no time for physical exercise. If he ever has opportunity to drink plain pure water, it is usually forced upon him to be sociable while he assimilates the liquid potion contaminated with caffeine, sugar and fat.

If he is not mindful of this taxation, and does not plan a specific program of defense against the depletion of his most valuable reserves, he quickly will become part of the "endangered species."

Probably one of the most important counterattacks any person in a position of heavy public responsibility can use for himself is to understand his own psychologic and physiologic parameters. To be aware of his current status, with regular monitoring of basic risk-to-disease factors,provides the intelligent leader with the motivation to modify his lifestyle. If the scales reveal a few added pounds, action is needed. When the physical suggests an elevated cholosterol level or slightly increased blood pressure one must evaluate his diet and perhaps add some exercise. As the breathing becomes more strenuous while climbing the same steps that have been climbed for years with ease, one must take record of his regular exercise plan.

Though the annual physical examination is not recommended for all ages, it certainly would be a good idea for most college presidents. This should include a cardiac stress test for all high risk individuals.

In a summary of good health habits to form a general rule of thumb, may I suggest the following–tried and true from ages past:

1. **Eliminate smoking.** Our lungs were meant to provide oxygen for all the tissue of the body. When we deprive the lungs of this by filling them with pollutants, it affects the mind, muscles, and every organ of the body. Smog is bad–smoking is deadly.

2. **Drink several glasses of pure water each day**, preferably between meals. This lubricates the system and provides much needed fluid for aid in the filtering of toxic substances from the body, with none of the side effects of the popular alcoholic beverages.

3. **Get a good night's rest.** Regular relaxed sleep regenerates the entire being. It helps the thought processes, muscle

coordination and does it ever feel good!

4. **Eat a well-balanced diet with emphasis on unrefined foods.** Omit or reduce highly refined and high fat foods. This benefits the circumference as well as the circulatory system. Food as grown (complex carbohydrates) can't be beat for providing energy, vitamins, minerals and, amazingly, it contains good amounts of protein too. Frankly, it is rather difficult to obtain too many calories if we avoid the refined foods and keep the fatty foods, including those marbled steaks, to a minimum. Beware of heavy meals late in the evening. They tend toward an overstuffed situation.

5. Plan, execute and administer on a long-term basis a **regular exercise program.** An evaluation is recommended prior to beginning a strenuous jogging or other exercise routine. Nothing can help the efficiency of action or thought more than a good circulation. This is only accomplished as one pushes himself daily to push the blood through the body under some pressure. (All stress isn't bad—some provides health.) If you're not accustomed to regular exercise, start slowly, increase very gradually, but "don't just sit there—do something."

6. **Trust in God.** After doing everything that science and common sense have suggested, we will probably still have a physical, psychological, social, or spiritual problem in occasions. The best way I know of to avoid distress is to develop this power of Trust. Following good health habits is a stress control program. To add to those listed, a spirit of gratitude and trust, will help the President avoid many of the hazards of the presidency.

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